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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,755

11/12/2004

Ali Tavassoli

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3100

20306 7590 12/05/2007  
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EXAMINER

SHIAO, REI TSANG

ART UNIT

PAPER NUMBER

1626

MAIL DATE

DELIVERY MODE

12/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/501,755

Applicant(s)

TAVASSOLI ET AL.

Examiner

Rei-tsang Shiao, Ph.D.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1, 3, 6 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This application claims benefit of the provisional application: 60/347,811 with a filing date 01/10/2002.
2. Amendment of claims 1, 3, 6 and 8, cancellation of claims 2, 4-5, 7 and 9-16 in the amendment filed on October 05, 2007 is acknowledged. Claims 1, 3, 6 and 8 are pending in the application.

### *Responses to Election/Restriction*

3. Claims 1, 3, 6 and 8 are pending in the application.

The scope of the invention of the elected subject matter is as follows.

Claims 1, 3, 6 and 8, in part, drawn to processes of making compounds of formula (I), wherein the variable A represents O thereof; the variable W represents Cp and p is 0; the variable R<sup>b</sup> and R<sup>c</sup> are connected by an aromatic ring phenyl structure thereof and the variable R<sup>c</sup> and R<sup>e</sup> are connected by an aromatic ring phenyl structure thereof; the variable Ar<sup>1</sup> and Ar<sup>2</sup> independently represents thienyl or aryl thereof, and the substitute cycloalkyl of the variable R<sup>a</sup>-R<sup>e</sup>, Ar<sup>1</sup> and Ar<sup>2</sup> independently does not contain a hetero atom (i.e., sulfur, oxygen or nitrogen).

Claims 1, 3, 6 and 8, in part, embraced in above elected subject matter, are prosecuted in the case. Claims 1, 3, 6 and 8, in part, not embraced in above elected subject matter, are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

The requirement is still deemed proper and therefore is made FINAL.

***Responses to Amendment/Arguments***

4. Since the instant starting material of formula (II) or formula (II) are distinct from Yuan et al., the rejection of claims 1, 3, 6 and 8 under 35 U.S.C. 102(b) or 103(a) over Yuan et al. has been overcome in the amendment filed on October 05, 2007. Since claims 2, 4-5 and 7 have been cancelled, the rejection of claims 2, 4-5 and 7 under 35 U.S.C. 102(b) or 103(a) over Yuan et al. has been withdrawn herein.
5. Since claims 14 and 16 have been cancelled, the rejection of claims 14 and 16 under 35 U.S.C. 102(b) or 103(a) over Patel's '948 et al. has been withdrawn herein.
6. Since claims 14 and 16 have been cancelled, the rejection of claims 14 and 16 under 35 U.S.C. 102(b) over Imazaki et al., Torres et al., Liu et al., Yuan et al. '817, Yu et al. CAS '497 or Rettig et al. has been withdrawn herein.

***Claim Objections***

7. Claims 1, 3, 6 and 8 are objected to as containing non-elected subject matter, i.e., heteroaromatic, heteroaliphatic ring, the variable R<sup>b</sup> and R<sup>c</sup> are connected by an aromatic ring phenyl structure thereof and the variable R<sup>c</sup> and R<sup>e</sup> are connected by an aromatic ring phenyl structure thereof, Ar<sup>1</sup> or Ar<sup>2</sup> representing cycloalkyl having hetero atoms selected from sulfur, oxygen, and nitrogen, etc. It is suggested that applicants amend the claims to the scope of the elected subject matter as defined on the paragraph 3 *supra*.

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**8. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rei-tsang Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rei-tsang Shiao, Ph.D.  
Patent Examiner  
Art Unit 1626

December 04, 2007